

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Chapter 13
	:	
Chitra Sethuraman	:	
	:	Case No. 19-10096 (MDC)
	:	
Debtor.	:	Hearing Date: 02/18/2020 at 10:30 a.m.
	:	Objections Due: 02/12/2020

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**MOTION OF POLICE AND FIRE FEDERAL CREDIT UNION  
FOR RELIEF FROM THE AUTOMATIC STAY TO EXERCISE RIGHTS WITH  
RESPECT TO 7448 RHOADS STREET, PHILADELPHIA, PA 19151**

Police and Fire Federal Credit Union (“PFFCU”), by and through its undersigned counsel, Dilworth Paxson LLP, hereby moves for relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to exercise its rights with respect to its claims that are secured by Chitra Sethuraman (the “Debtor”) real property located at 7448 Rhoads Street, Philadelphia, Pa 19151 (the “Real Property”) due to the Debtor’s failure to make post-petition payments and lack of adequate protection.

**I. BACKGROUND**

1. On October 26, 2015, the Debtor executed a mortgage and note, payable to PFFCU, pursuant to which PFFCU provided a home equity loan to the Debtor secured by the Real Property, in the original amount of \$20,000.00 (the “Home Equity Loan”). A true and correct copy of the Home Equity Loan is attached as **Exhibit A**.

2. On January 7, 2019 (the “Petition Date”), the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”).

3. As of the Petition Date, Debtor was indebted to PFFCU in the amount of \$8,034.80 pursuant to the Home Equity Loan that is secured by the Real Property.

4. The Debtor's proposed Chapter 13 Plan provides that the Debtor will pay her post-petition Home Equity Loan payments directly to PFFCU outside of her plan.

5. The Debtor is currently two months in arrears on her payments on the Home Equity Loan. Each monthly payment is \$386.57. She has not paid PFFCU for the post-petition months of August 2019 and January 2020, for a total of \$773.14. The last payment PFFCU received was on January 6, 2020.

**II. CAUSE FOR RELIEF FROM THE AUTOMATIC STAY EXISTS WITH RESPECT TO THE REAL PROPERTY**

6. As of the date of this Motion, the Debtor is two months in arrears post-petition to PFFCU with respect to her post-petition Home Equity Loan obligations.

7. Given that the Debtor has not made these payments to PFFCU post-petition, PFFCU's interest in the Real Property continues to be impaired and is not adequately protected as required by 11 U.S.C. § 361.

8. Accordingly, cause exists pursuant to 11 U.S.C. § 362(d)(1) to lift the automatic stay to allow PFFCU to exercise its rights with respect to the Real Property that secures the Debtor's obligations to PFFCU.

**III. CONCLUSION**

WHEREFORE, PFFCU respectfully requests that this Court enter an Order granting relief from the automatic stay pursuant to § 362(d) so that PFFCU may exercise its rights with respect to the Real Property, and granting such other and further relief as appropriate.

DILWORTH PAXSON LLP

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Dated: January 22, 2020

*Attorneys for Police and Fire Federal Credit Union*